IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9601 of 2006

Dated: March 1, 2007

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Between:

B. Bharathi, D/o. Beekya, aged about 23 years,
R/o. Government College of Physical Education
Hostel, Domalguda, Hyderabad.

… Petitioner

And

Osmania University, rep. by its Registrar,
Hyderabad, and another.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of respondents in not permitting the petitioner to appear for Undergraduate Diploma in Physical Education examinations held in May, 2006 as arbitrary and illegal.

2. Petitioner claims to have been selected as Untrained Physical Education Teacher in 2000, posted in Zilla Parishad High School,

Chintoor, Khammam District, and, later transferred to Z.P. High School, Bhadrachalam. It is stated that she was sent to undergo training in Physical Education, known as Undergraduate Diploma in Physical Education, in the second respondent-college, which started in July, 2004 and for which examinations were conducted in December, 2004.

3. The case of the petitioner is that she was not allowed to write the said examinations, as she did not possess requisite percentage of attendance, i.e. 65. She could only put in 53% attendance owing to her ill health; however, she appeared for practical examinations and passed the same. It is stated that as she could not put in requisite attendance during 2003-04, she got re-admitted in the said course and pursued the same from 05-01-2006 to 29-04-2006 and put in 68% attendance. After pursuing the entire course, she made an application dated 19-04-2006 to the respondents to permit her to write examinations that were to commence from 08-05-2006. Her grievance is that she was not issued hall ticket on the ground that she did not take admission afresh and completed the course as part of 2004-05 batch.

4. This court, while admitting the Writ Petition, by order dated 02-05-2006, passed in WPMP No.12154 of 2006, directed the respondents to issue hall ticket to the petitioner to enable her to appear for the said examinations.

5. It is to be seen that as per the academic regulations, the requisite percentage of attendance is '75' and in deserving cases, the Vice-Chancellor is conferred with the power to condone the shortage up to 10%, which means that a minimum 65% attendance is required for a candidate to be allowed to appear for examinations. In this case, undisputedly, petitioner possesses 65% attendance. In fact, the

second respondent, Principal, Govt. College of Physical Education, Domalguda, has addressed letter dated 26-04-2006 to the Registrar, Osmania University stating that petitioner was re-admitted into the said course on 05-02-2006 and possesses requisite attendance.

6. Learned Standing Counsel appearing on behalf of the first respondent submits that though petitioner has attended classes for the academic year 2005-06, the University was not informed in this regard.

7. As much as petitioner was validly re-admitted to the said course during the academic year 2005-06 and also possessed requisite attendance for that year, and pursuant to the interim directions of this court referred above, she was allowed to appear for the examinations, I dispose of the Writ Petition directing the respondents to announce the results of the petitioner of the aforesaid examinations, if not already announced, and issue necessary certificates to her. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 1, 2007
MRR